

## Department of Permitting and Inspections

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## MEMORANDUM

**To:** The Design Advisory Board  
**From:** Mary O'Neil, AICP, Principal Planner  
**RE:** ZP21- 450 OG 28 Sunset Cliff Road  
**Date:** June 8, 2021

**File:** ZP21-450 OG

**Location:** 28 Sunset Cliff

**Zone:** RL-W **Ward:** 4N

**Parking District:** Neighborhood

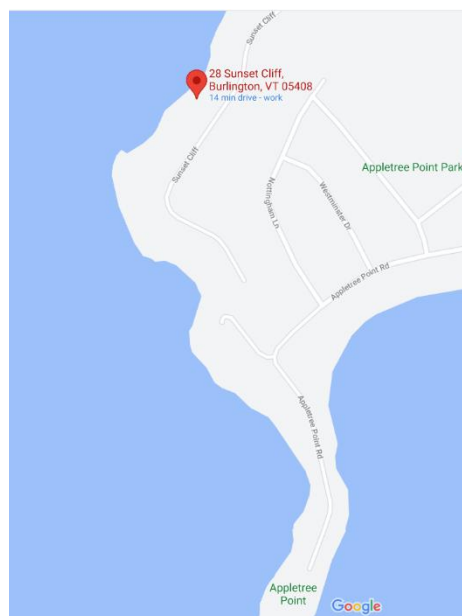
**Date application accepted:** May 22, 2021

**Applicant/ Owner:** Maxx Garrison

**Request:** Demolish existing single family home; build new single family home with associated site improvements. A detached garage is proposed with an Accessory Dwelling unit above it.

### Background:

- **Zoning Permit 94-461;** lot line adjustment between two existing lots (16 and 17); one vacant and one with an existing single family merged into one lot. No construction or land development included with this proposal. **May 31, 1994.**



### Overview:

The applicant is requesting approval to demolish an existing single detached dwelling and to replace it with a new single detached dwelling at 28 Sunset Cliff Road. A detached garage with an ADU is included. Related site changes include a relocated driveway, parking area and a landscaping plan.

The property is affected by the 250' wide lakeshore buffer. Provisions as to tree clearing and stormwater management apply per Section 4.5.4 (c). Review by the Conservation Board is scheduled for June 7, 2021.

### Part 1: Land Division Design Standards

Not applicable.

**Part 2: Site Plan Design Standards**  
**Sec. 6.2.2 Review Standards**

**a. Protection of Important Natural Features:**

The property is located along the Lake Champlain shoreline, an identified significant natural area. The parcel is affected by the Natural Resource Protection Overlay district, specifically the Riparian and Littoral Zone, which stretches inland 250' from the 95.5' lakeshore elevation. The boundaries of this overlay are not depicted on the site plan. The new home is essentially where the existing home is located; the expanded driveway, garage/ADU and parking area within an area that is currently greenspace and treed.

A recent amendment to the Comprehensive Development Ordinance requires a "Low Mow" zone along the lakeshore. The standard is:

*For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along the shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once per year and allows vegetation to grow and mature. (Refer to Shoreland Best Management Practices established by Vermont Department of Environmental Conservation.). A low-mow zone shall be at least 15 ft. wide as measured inland from the 100 ft. elevation and shall be of a size equivalent to, or greater than, the new or redeveloped lot coverage, except that in no event shall a low-mow zone be required to extend more than 50 ft. wide as measured inland from the 100 ft. elevation or extend along more than 80% of a property's shoreline frontage.*

This is adequately represented on the submitted site plan.

**b. Topographical Alterations:**

The site slopes gradually from east to west, toward the lake. Aside from construction disturbance, the existing topography appears to remain unchanged. A 2' x 12" retaining wall is proposed west of the new home. Plan C-3.0 defines the retaining wall as Panton stone with bluestone cap.

**c. Protection of Important Public Views:**

There are no important protected public views from or through this site. Not applicable.

**d. Protection of Important Cultural Resources:**

Not applicable.

**e. Supporting the Use of Renewable Energy Resources:**

Nothing within this application precludes the use of wind, solar, water, geothermal, or other renewable energy resource.

**f. Brownfield Sites:**

This parcel is not listed on the DEC website as an identified Brownfield. Not applicable.

**g. (g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

EPSC and Stormwater management plans are a requirement. Approval by the City Stormwater Engineering staff will be a condition of approval.

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

The east elevation of the principal structure has a recessed entry, which will provide some shelter from inclement weather. Similarly, the west elevation includes a covered porch area.

The north elevation of the garage/ADU includes two entries, neither of which have any canopy or shelter. Some roof covering at these entrances is recommended.

**h. Building Location and Orientation:**

The replacement home is essentially in the same location as the existing home, oriented both toward the street and the lake. The street-facing entrance is clearly identifiable within a recessed entry porch.

Waterfront setbacks can be based on the average of two adjacent parcels (not four), so the applicant will need to clean up the waterfront setback measurement, averaging only 36 and 24 Sunset Cliff Road. If existing setbacks on plan C-3.0 are accurate, the setback should therefore be 41' from the ordinary high water mark.

There is an existing, unpermitted structure within the waterfront setback (12'x 12') that will need to be removed from the plan as it encroaches within a required setback. Similarly, there is an unpermitted westerly porch that was not included in the 1994 site plan approval. If this encroaches into waterfront setback, it too shall be eliminated.

*A parking structure – either attached or detached –shall be setback from the longest streetfacing wall of the principal structure and be deferential yet consistent in character and design.*

The proposed, detached garage is arranged slightly behind the plane of the streetfacing wall of the principal structure. The garage doors face the street.

**i. Vehicular Access:**

The driveway is proposed to be relocated south of its existing location. Plan C3.0 defines the driveway as asphalt or asphalt with chip seal.

Sunset Cliff Road is an unaccepted city street, so approval of the new driveway access by the city engineer is not required.

**j. Pedestrian Access:**

*Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.*

There are no public sidewalks along Sunset Cliff Road. A pedestrian walkway is depicted between the garage/ADU and the principal structure, and a walkway to the lake. A walkway is recommended to link the street to the principal structure.

**k. Accessibility for the Handicapped:**

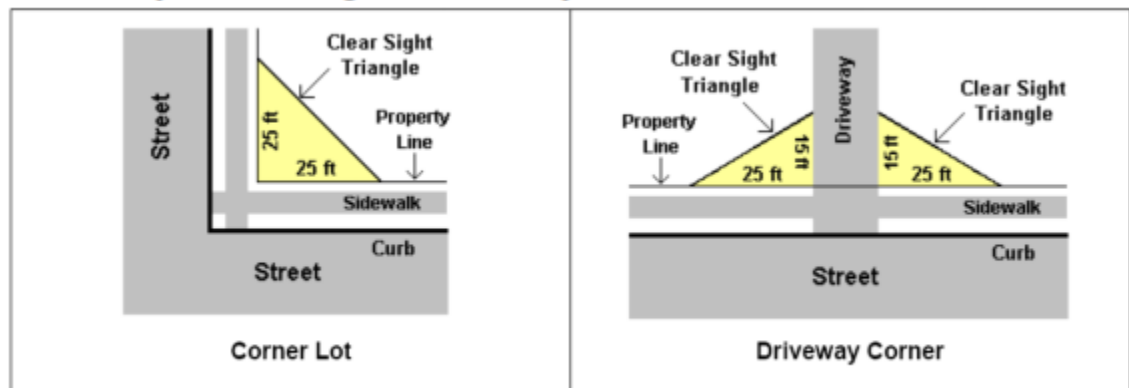
Although encouraged, ADA access is not a requirement for single family homes.

**l. Parking and Circulation:**

The driveway is proposed to be relocated, with a new two car garage and large parking area (36' x 53'). The parking requirement for a single family home is 2 parking spaces; both of which are accommodate in the two car garage. Maximum parking is 125% of the required parking in the Neighborhood Parking District, or 3 spaces. If the applicant wishes to request a waiver from the maximum parking limitations, a specific request meeting the standards of Section 8.1.9 a) 4. will need to be articulated. At present, the site plan needs modification limiting parking to 3 vehicles.

**m. Landscaping, Fences and Retaining Walls:**

Any tree cutting along the waterfront requires review by the Conservation Board per Section 4.5.4. (c). The submitted landscaping plan (C-4.0) shows a plan focused on the northerly boundary, and around the perimeter of the lot. Mixed evergreen and native shrubs with native ground cover are the choices, with an allee of Maples along the driveway. The Clear Site Triangle must all be observed at the driveway entrance to provide safe sight distances for both pedestrians and vehicles.



Retaining walls are identified on the plan, one west of the principal residence and a second by the new driveway. Dimensions are not clear: 2' x 12" for the westerly wall, and 5' x 12" for the driveway wall. Is the first dimension height or length?

*Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties.*

A fence is described on Plan C-3.0, but identified on the site plan or landscaping plan. This shall be defined as to location and height.

**n. Public Plazas and Open Space**

There are no public plazas, nor are they required.

**o. Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

LED cylindrical wall mount fixtures are proposed, with recessed lighting at porches. Two types of landscape fixtures are included within the package, but their location and illumination levels are unknown. More information is requested about their placement and anticipated light levels.

**p. Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

A heat pump/recovery unit is proposed along the northerly elevation of the principal residence, and at the southerly elevation of the garage/ADU. Meters and mailbox locations are not identified, and must be.

While on City water, there is an existing septic tank and pumping station. The redeveloped lot will need state review and approval for changes to the existing wastewater service, proposed to serve both the four bedroom home and the ADU.

All new electric service must be undergrounded.

**Part 3: Architectural Design Standards**  
**Sec. 6.3.2 Review Standards**

**(a) Relate development to its environment:**

**1. *Massing, Height and Scale:***

The proposed single family home is largely square in footprint; two story in massing. The scale is similar to other homes along Sunset Cliff Road and within the neighborhood.

**2. *Roofs and Rooflines.***

The plan is a gable and eaves design, with a partial pitched shed roof at the east elevation. The garage/ADU is a 26' x 28', gable roof structure with modest dormers on the north and south. Both are proposed to have standing seam metal roofs.

**3. *Building Openings***

Fenestration differs from elevation to elevation, with the broadest glazing along the westerly elevation facing the lake. All windows are proposed to be vinyl.

Doors are limited on the single family home to the east (street front) and west (lake front.) Both garage/ADU entries are on the north elevation. As noted, the building entries for the garage are recommended to provide some canopy shelter for residents.

**(b) Protection of Important Architectural Resources:**

Not applicable.

**(c) Protection of Important Public Views:**

Not applicable.

**(d) Provide an active and inviting street edge:**

The home and garage/ADU will be set back a significant amount from Sunset Cliff Road. Coupled with the proposed landscaping plan, it may largely be unviewable from the street.

The house has a clear identifiable principal entrance within a sheltered porch. The street front elevation includes two very large first floor windows, accompanied by a double door to a first floor bedroom, although labeled as an office. Only the distance from the road and additional landscaping will assure a modicum of privacy.

Windows are regularly placed in bands.

The addition of a walkway will help present a welcoming entry from the street.

**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of*

*recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

Siding is proposed to be Eastern white cedar (unfinished.) Roofs will be metal standing seam, windows vinyl. Deck boards will be IPE. All are acceptable for new construction.

**(f) Reduce energy utilization:**

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

**(g) Make advertising features complementary to the site:**

No signs are included with this application. Not applicable.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (o), above.

**(i) Make spaces secure and safe:**

The proposed building must comply with the city's building and life safety code requirements, as defined by the building inspector.

Building entries will be illuminated. The street address shall be visible and readily evident from the street.

**Sec. 5.4.8 Historic Buildings and Sites**

Not applicable.

**Items for the Board's consideration:**

1. More information about the westerly retaining wall (2' x 12"), and the driveway retaining wall are required. (5' x 12"). Are given dimensions length or height?
2. Some manner of roof covering is recommended for both building entrances of the garage/ADU.
3. The applicant shall correct setback measurements on the plans, reflected an average of two adjacent properties along the shoreline, not four.
4. A walkway is recommended between the street and the principal structure.
5. Unless a waiver of maximum parking limitations is requested, the site plan shall be modified to limit parking to three on-site spaces.
6. Redevelopment is subject to state review for the waste water infrastructure, and likely new permitting for the proposed septic system changed capacity.
7. The location of meters and mailboxes shall be defined, and illustrated on the site plan and building elevations as appropriate.
8. Electric service shall be undergrounded.
9. More information shall be provided about the location and height of the proposed fence.
10. The new driveway and landscaping shall observe the Clear Site Triangle.

11. The Estimated Construction Cost (\$275,000) is extraordinarily low for the proposed scope of new construction. The ordinance guides:

*Application fees are based on the estimated fair market value of the construction costs for the type and scope of site improvements and construction being proposed.*

*This is not the actual cost to the applicant. Applicants may be required by the administrative officer to document any fees calculated based on the estimated cost of construction in accordance with the most recent publication of the RS Means Construction Cost Estimation catalogue or equivalent.*

12. Per NFPA Fire Code, *New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.*

- *Address numbers shall contrast with their background, and*
- *Address numbers shall be Arabic numerals or alphabet letters.*